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SERVICES: HELPING YOU
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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
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14 MARSHALL LOSKOT, an
individual; and DISABILITY
15 RIGHTS ENFORCEMENT,
EDUCATION
16 SERVICES:HELPING YOU HELP
OTHERS, a California public benefit
17 corporation,

18 Plaintiffs,

19 v.

20 ASIAN BUFFET, INC., a California
corporation; and HOWARD LEE
21 FONG & YEE YING FONG,

22 Defendants.
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CASE NO. CIV.S-04-1719 DFL PAN
STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL

25 The parties, by and through their attorneys of record, stipulate that terms
26 have been negotiated which fully and completely resolve plaintiffs' claims
27 herein. These terms have been memorialized in a mutual settlement agreement
and release which is currently being circulated for final approval and signature.
28 Therefore, the parties stipulate to dismissal of this action in its entirety with

prejudice pursuant to Fed.R.Civ.P.41(a)(1), unless within the next thirty days either party notifies the Court that settlement hereof has not been consummated.

Outside of the terms of the parties' settlement agreement and release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

DATED: December 1, 2005

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By /s/ Julia M. Adams

Julia M. Adams
Attorneys for Plaintiffs MARSHALL
LOSKOT and DISABILITY RIGHTS
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SERVICES: HELPING YOU
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Dated: December 1, 2005

STOEL RIVES, LLP

By: /s/ John A. McKinsey

John A. McKinsey
Attorneys for Defendants HOWARD LEE FONG
& YEE YING FONG

ORDER

Having been notified of the parties' settlement, IT IS HEREBY ORDERED that the matter be dismissed with prejudice, each side to bear its own costs and fees. However, should settlement not be fully consummated within thirty (30) days of this Order, either party may seek to have the dismissal rescinded and the matter reinstated to the Court's trial calendar. IT IS

1 FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of
2 enforcing the parties' settlement agreement and release should such enforcement
3 be necessary.

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5 Dated: 12/6/2005

6 /s/ David F. Levi
7 Hon. David F. Levi
8 Chief United States District Judge
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